

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JENIFER JULIETH MEJIA, :

Plaintiff, : ORDER

-v.- :

20 Civ. 9057 (JPC) (GWG)

COMME DES GARÇONS, LTD., :

Defendant. :

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GABRIEL W. GORENSTEIN, UNITED STATES MAGISTRATE JUDGE

With regard to the application made in Docket # 73, the Court is aware of case law that limits fees in Fair Labor Standards Act cases to one third of the settlement amount absent “extraordinary circumstances.” Lopez v. Poko-St. Ann L.P., 176 F. Supp. 3d 340, 343 (S.D.N.Y. 2016). The reasoning of such cases was rejected in Fisher v. SD Prot. Inc., 948 F.3d 593, 602 (2d Cir. 2020), however. At the same time, Fisher makes clear that “[t]he fee applicant must submit adequate documentation supporting the requested attorneys’ fees and costs,” and that such documentation must consist of “contemporaneous time records indicating, for each attorney, the date, the hours expended, and the nature of the work done.” Id. at 600 (quoting N.Y. State Ass’n for Retarded Children, Inc. v. Carey, 711 F.2d 1136, 1154 (2d Cir. 1983)). Accordingly, plaintiff’s counsel is directed to supplement his application with such records on or before December 30, 2021.

SO ORDERED.

Dated: December 16, 2021
New York, New York

GABRIEL W. GORENSTEIN
United States Magistrate Judge